

Jan 30 2009 6:06PM Cantor Colburn LLP

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CENTRAL FAX CENTERAppln. No.: 10/707,775
Docket No.: 140525/GEM-0093

JAN 30 2009

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**Response Under 37 C.F.R. §1.116
Expedited Procedure
Examining Group 3737****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 10/707,775 : Confirmation No.: 1774
 Applicant: Miller et al. : Group Art Unit: 3737
 Filed: January 12, 2004 : Examiner: Ramirez, John, F.
 Docket No.: 140525/GEM-0093

For: RESPIRATORY MEASUREMENT SYSTEM AND METHOD RELATED THERETO

January 29, 2009

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR 1.116

Sir:

This is an amendment under 37 CFR §1.116 to the Advisory Action dated December 31, 2008, and to the Final Office Action dated October 31, 2008, issued in the above-identified application, wherein Applicant respectfully requests that the following amendments, which present rejected claims in better form for consideration on appeal, be entered pursuant to the provisions of 37 CFR §1.116 and that the application be reconsidered in light of the accompanying remarks.

Amendments to the Claims begin on page 2.**Remarks/Arguments begin on page 5.****CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope, or Express Mail No. _____, addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to 571-273-8300 at the United States Patent and Trademark Office, on the date shown below.

Tammie Lanthier
Name

Signature

January 30, 2009
Date